

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHANE ALBERT EVERETTS

Plaintiff,

vs.

C.O. ALEX WHISLER, JEFFERY  
KENGERSKI, TYLER TRACY  
MICHAEL WALTEMIRE, and  
SHAUN SMITH,

Defendants.

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) 2:21-cv-1209  
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) Hon. J. Nicholas Ranjan

) Magistrate Judge Kezia O.L. Taylor  
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**MEMORANDUM ORDER**

This is a *pro se* case asserting civil-rights violations. This matter was referred to Magistrate Judge Kezia O.L. Taylor for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court applicable to Magistrate Judges.

Currently before the Court is a Report & Recommendation filed by Judge Taylor on November 25, 2024. ECF 318. Judge Taylor recommends that the Court (1) grant Defendants' motion for summary judgment as to Mr. Everetts's Fourteenth Amendment denial-of-medical-care claim against Defendants Waltemire and Whisler and First Amendment retaliation claim against Defendants Waltemire and Smith; and (2) deny Defendants' motion for summary judgment as to Mr. Everetts's excessive-force claim against Defendants Tracey and Kengerski. *Id.* at 22. The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), objections to the Report & Recommendation were due within fourteen days, or seventeen days for unregistered ECF users. *Id.* No party filed objections to the Report & Recommendation.

Upon a review of the record of this matter and the Report & Recommendation, the Court finds no clear error on the face of the record, and therefore enters the following order:

**AND NOW**, this **12th day of February, 2025**, it is hereby **ORDERED** that Judge Taylor's Report & Recommendation, ECF 318, is **ADOPTED** as the opinion of the Court.

BY THE COURT:

/s/ J. Nicholas Ranjan  
United States District Judge

cc:  
Shane Albert Everetts  
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PRO SE